

REDACTED – FOR PUBLIC INSPECTION

January 29, 2015

VIA ECFS

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

**Re: *In the Matter of Special Access Rates for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, WC Docket No. 05-25, RM-10593***

Dear Ms. Dortch:

Please find enclosed the redacted version of EarthLink's response to the Mandatory Data Collection in the above referenced proceeding.<sup>1</sup> The confidential and highly confidential versions of the filing, which contain information that the Wireline Competition Bureau has deemed eligible for protection under the *Data Collection Protective Order*,<sup>2</sup> have been submitted to the Secretary's Office via the Special Access Web Portal.

Please do not hesitate to contact me if you have any questions regarding this submission.

Respectfully submitted,  
/s/  
Christopher Murray  
Senior Vice President, Public Policy

Enclosure

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<sup>1</sup> *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, Order on Reconsideration, 29 FCC Rcd 10899, Appendix A (2014).*

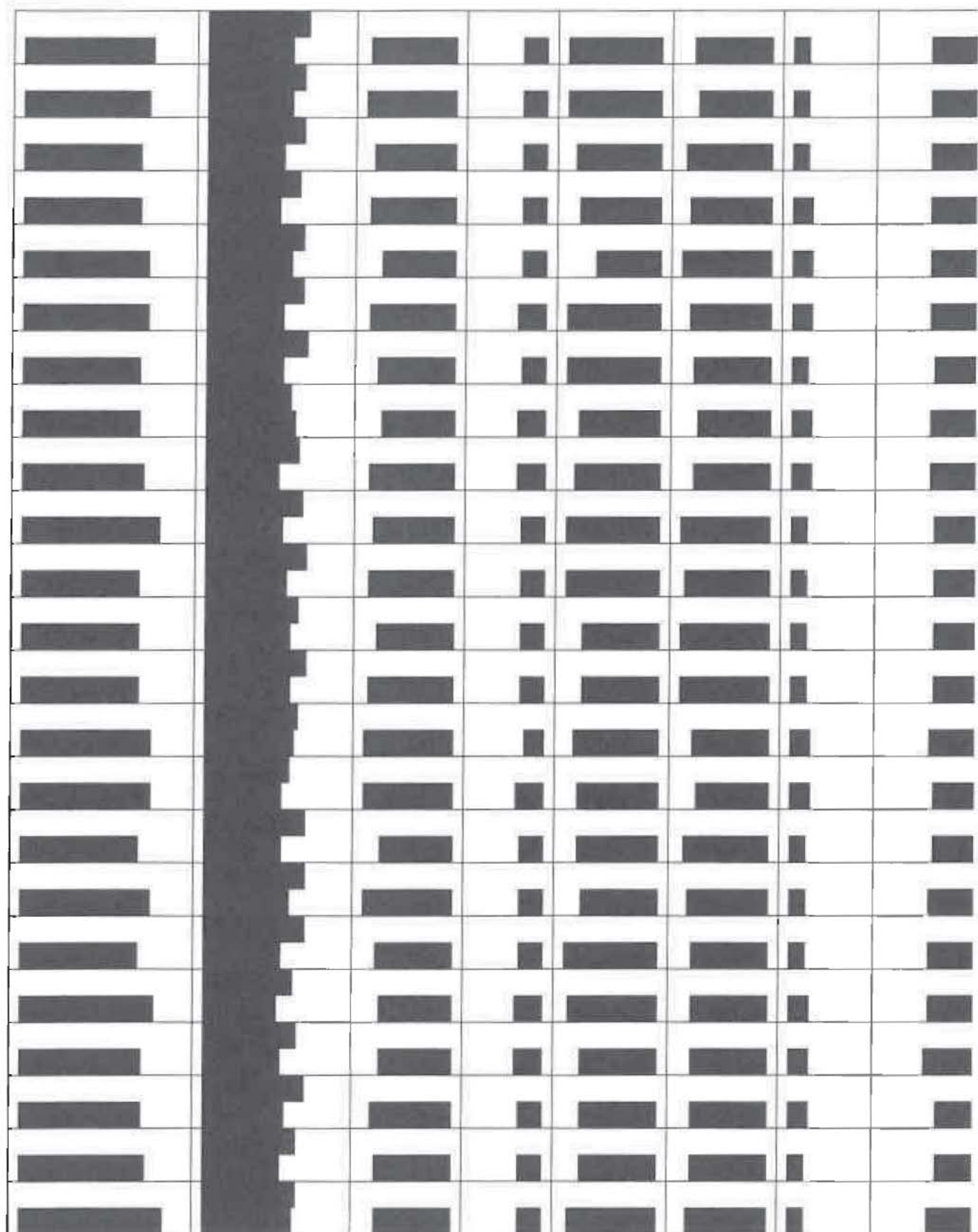
<sup>2</sup> *In the Matter of Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, Order and Data Collection Protective Order, 29 FCC Rcd 11657, Appendix A (2014) ("Data Collection Protective Order").*

## II.A.5 PUBLIC

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See Table below.

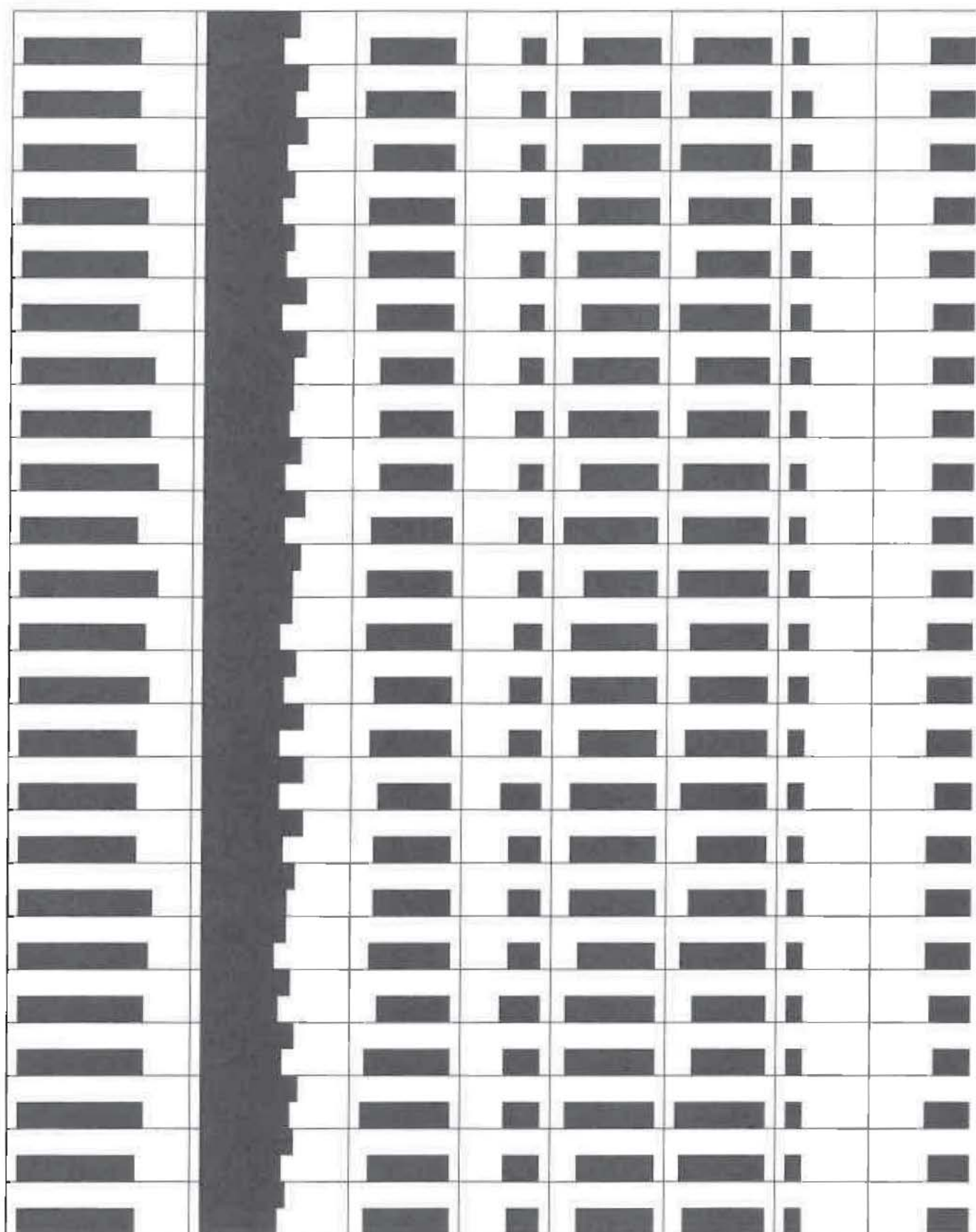
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The image displays a highly structured, grid-based pattern, characteristic of a barcode or a data matrix. It consists of a regular arrangement of black and white squares. The pattern is dense and covers the majority of the page area, with a vertical strip of white space on the left side. The grid is composed of many small squares, creating a complex, repeating visual structure.

The image displays a complex grid-based diagram. On the left side, there is a large, solid black vertical bar that spans the entire height of the grid. To the right of this bar, the grid is composed of a series of horizontal rows. Each row is divided into several columns by thin white lines. The cells within these columns are filled with either black or white, creating a pattern of alternating colors. The pattern appears to be a form of data visualization or a logical representation, possibly related to a binary system or a specific algorithm. The overall structure is highly organized and systematic.





The diagram consists of a large grid. On the left side, there is a prominent vertical black bar that spans the entire height of the grid. To the right of this bar, the grid is composed of a series of horizontal rows. Each row contains a sequence of black and white squares. The pattern of black squares is highly structured, appearing to be a binary representation of data. The black squares are arranged in a way that suggests a specific sequence or pattern across the rows. The overall layout is clean and precise, with clear boundaries between the black bar and the grid, and between the individual squares within the grid.

The image displays a highly structured, grid-based pattern. It consists of a series of horizontal rows, each containing a sequence of black and white squares. The pattern is dense and repetitive, suggesting a data matrix or a barcode. A prominent vertical band of solid black squares runs down the left side of the image, separating it from the main grid. The grid itself is composed of small, uniform squares, with the black squares forming a complex, non-random arrangement that likely encodes information.

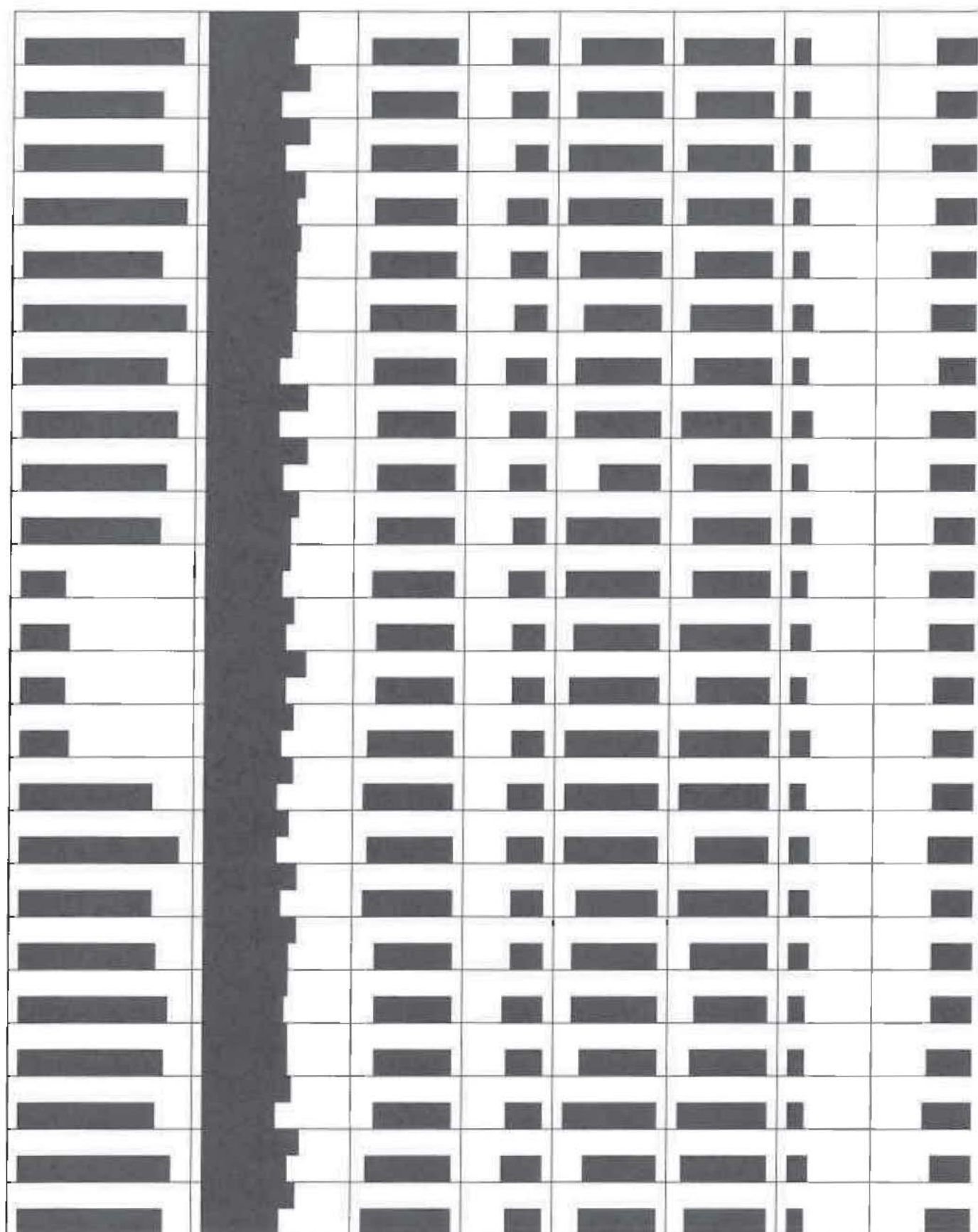


The diagram consists of a large grid of squares. A prominent vertical black bar runs down the left side, starting from the top and extending almost to the bottom. To the right of this bar is a grid of squares. The top row of this grid is entirely black. The subsequent rows are composed of black and white squares in a repeating pattern. The pattern of black squares in the rows below the top row is as follows:

Row	Black Squares (Columns)
2	1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145, 147, 149, 151, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, 215, 217, 219, 221, 223, 225, 227, 229, 231, 233, 235, 237, 239, 241, 243, 245, 247, 249, 251, 253, 255, 257, 259, 261, 263, 265, 267, 269, 271, 273, 275, 277, 279, 281, 283, 285, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363, 365, 367, 369, 371, 373, 375, 377, 379, 381, 383, 385, 387, 389, 391, 393, 395, 397, 399, 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 443, 445, 447, 449, 451, 453, 455, 457, 459, 461, 463, 465, 467, 469, 471, 473, 475, 477, 479, 481, 483, 485, 487, 489, 491, 493, 495, 497, 499, 501, 503, 505, 507, 509, 511, 513, 515, 517, 519, 521, 523, 525, 527, 529, 531, 533, 535, 537, 539, 541, 543, 545, 547, 549, 551, 553, 555, 557, 559, 561, 563, 565, 567, 569, 571, 573, 575, 577, 579, 581, 583, 585, 587, 589, 591, 593, 595, 597, 599, 601, 603, 605, 607, 609, 611, 613, 615, 617, 619, 621, 623, 625, 627, 629, 631, 633, 635, 637, 639, 641, 643, 645, 647, 649, 651, 653, 655, 657, 659, 661, 663, 665, 667, 669, 671, 673, 675, 677, 679, 681, 683, 685, 687, 689, 691, 693, 695, 697, 699, 701, 703, 705, 707, 709, 711, 713, 715, 717, 719, 721, 723, 725, 727, 729, 731, 733, 735, 737, 739, 741, 743, 745, 747, 749, 751, 753, 755, 757, 759, 761, 763, 765, 767, 769, 771, 773, 775, 777, 779, 781, 783, 785, 787, 789, 791, 793, 795, 797, 799, 801, 803, 805, 807, 809, 811, 813, 815, 817, 819, 821, 823, 825, 827, 829, 831, 833, 835, 837, 839, 841, 843, 845, 847, 849, 851, 853, 855, 857, 859, 861, 863, 865, 867, 869, 871, 873, 875, 877, 879, 881, 883, 885, 887, 889, 891, 893, 895, 897, 899, 901, 903, 905, 907, 909, 911, 913, 915, 917, 919, 921, 923, 925, 927, 929, 931, 933, 935, 937, 939, 941, 943, 945, 947, 949, 951, 953, 955, 957, 959, 961, 963, 965, 967, 969, 971, 973, 975, 977, 979, 981, 983, 985, 987, 989, 991, 993, 995, 997, 999, 1001, 1003, 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021, 1023, 1025, 1027, 1029, 1031, 1033, 1035, 1037, 1039, 1041, 1043, 1045, 1047, 1049, 1051, 1053, 1055, 1057, 1059, 1061, 1063, 1065, 1067, 1069, 1071, 1073, 1075, 1077, 1079, 1081, 1083, 1085, 1087, 1089, 1091, 1093, 1095, 1097, 1099, 1101, 1103, 1105, 1107, 1109, 1111, 1113, 1115, 1117, 1119, 1121, 1123, 1125, 1127, 1129, 1131, 1133, 1135, 1137, 1139, 1141, 1143, 1145, 1147, 1149, 1151, 1153, 1155, 1157, 1159, 1161, 1163, 1165, 1167, 1169, 1171, 1173, 1175, 1177, 1179, 1181, 1183, 1185, 1187, 1189, 1191, 1193, 1195, 1197, 1199, 1201, 1203, 1205, 1207, 1209, 1211, 1213, 1215, 1217, 1219, 1221, 1223, 1225, 1227, 1229, 1231, 1233, 1235, 1237, 1239, 1241, 1243, 1245, 1247, 1249, 1251, 1253, 1255, 1257, 1259, 1261, 1263, 1265, 1267, 1269, 1271, 1273, 1275, 1277, 1279, 1281, 1283, 1285, 1287, 1289, 1291, 1293, 1295, 1297, 1299, 1301, 1303, 1305, 1307, 1309, 1311, 1313, 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, 1331, 1333, 1335, 1337, 1339, 1341, 1343, 1345, 1347, 1349, 1351, 1353, 1355, 1357, 1359, 1361, 1363, 1365, 1367, 1369, 1371, 1373, 1375, 1377, 1379, 1381, 1383, 1385, 1387, 1389, 1391, 1393, 1395, 1397, 1399, 1401, 1403, 1405, 1407, 1409, 1411, 1413, 1415, 1417, 1419, 1421, 1423, 1425, 1427, 1429, 1431, 1433, 1435, 1437, 1439, 1441, 1443, 1445, 1447, 1449, 1451, 1453, 1455, 1457, 1459, 1461, 1463, 1465, 1467, 1469, 1471, 1473, 1475, 1477, 1479, 1481, 1483, 1485, 1487, 1489, 1491, 1493

The diagram consists of a large grid. On the left side, there is a prominent vertical black bar that spans the entire height of the grid. To the right of this bar, the grid is composed of a series of rows and columns. Each cell in this grid is either black or white. The pattern of black and white cells is highly structured, with black cells appearing in specific, repeating columns and rows, creating a complex, almost fractal-like pattern. The overall layout suggests a technical or scientific representation, possibly related to data analysis or a specific type of coding.

The image displays a complex, grid-based pattern. On the left side, there is a dark, vertical band that appears to be a solid black strip. To the right of this band, the image is composed of a grid of squares. The squares are arranged in a regular, repeating pattern of black and white squares, creating a checkerboard-like effect. The overall composition is highly structured and geometric.





The diagram consists of a large grid. On the left side, there is a prominent vertical black bar that spans the entire height of the grid. To the right of this bar, the grid is composed of a series of horizontal rows. Each row contains a sequence of black and white squares. The pattern of black squares is highly regular and repetitive across the rows, suggesting a binary or digital data representation. The black squares are arranged in a way that creates a series of vertical columns of varying lengths, with some columns being entirely black and others being mostly white with a few black squares. The overall effect is a complex, structured pattern that resembles a digital signal or a data visualization.



The diagram consists of a large grid. A thick black vertical bar runs down the left side, starting from the top and ending near the bottom. To the right of this bar is a grid of squares. The grid is 10 columns wide and 20 rows high. The squares are filled with black or white, creating a pattern. The pattern is symmetrical across the vertical bar. The top row has a black square in the first column, followed by a white square, then a black square, and so on. The bottom row has a black square in the first column, followed by a white square, then a black square, and so on. The pattern repeats every 10 rows.

This image shows a complex grid-based pattern, likely a crossword puzzle. The grid is composed of white squares with black borders. A prominent feature is a thick, solid black vertical bar running down the center-left portion of the grid. To the right of this bar, the grid is filled with a complex arrangement of black and white squares, forming a series of horizontal and vertical bars of varying lengths. The overall pattern is symmetrical and intricate, suggesting a challenging puzzle.

The image displays a complex grid-based structure, likely a technical drawing or a data visualization. It features a large, dark, vertical band on the left side, which appears to be a solid black area. To the right of this band is a grid of smaller, light-colored cells. These cells are arranged in a regular pattern, with some cells containing black rectangular blocks of varying sizes. The blocks are distributed across the grid, with some appearing in single cells and others spanning multiple cells. The overall layout suggests a systematic arrangement of elements, possibly representing a data set or a structural model.

The diagram consists of a large grid. On the left side, there is a prominent vertical black bar that spans the entire height of the grid. To the right of this bar, the grid is composed of a series of rows and columns. Each cell in this grid is either black or white. The pattern of black and white cells is highly structured, with black cells appearing in specific columns and rows, creating a complex, repeating-like pattern. The overall layout suggests a technical or scientific representation, possibly related to data analysis or a specific type of coding.



The image displays a complex, abstract pattern composed of a grid of squares. A prominent feature is a large, solid black vertical bar that runs down the left side of the image, starting from the top and extending to the bottom. To the right of this bar, the pattern consists of a grid of squares, each of which is either black or white. The arrangement of these squares forms a complex, repeating pattern that resembles a stylized, abstract representation of a landscape or a digital texture. The overall effect is one of high contrast and geometric complexity.



The image displays a complex grid-based pattern. A central vertical column of black squares runs through the middle. To the left of this column is a grid of alternating black and white squares, with the black squares forming a series of horizontal bars. To the right of the central column is another grid of alternating black and white squares, with the black squares forming a series of horizontal bars. The overall effect is a dense, symmetrical pattern of black and white squares.

The diagram consists of a large grid. On the left side, there is a prominent vertical black bar that spans the entire height of the grid. To the right of this bar, the grid is composed of a series of rows and columns. Each cell in this grid is either black or white. The pattern of black and white cells is highly structured, with black cells appearing in specific columns and rows, creating a complex, repeating-like pattern. The overall layout suggests a technical or scientific representation, possibly related to data analysis or a specific type of coding.

The image displays a complex grid-based pattern. On the left side, there is a large, solid dark vertical band. To the right of this band is a grid of squares. The grid is composed of black and white squares, with the black squares forming a repeating pattern. The pattern of black squares is more complex than a simple checkerboard, with some squares being black and others white, creating a textured, almost pixelated appearance. The overall effect is a high-contrast, digital-style graphic.

The diagram consists of a large grid. On the left side, there is a prominent vertical black bar that spans the entire height of the grid. To the right of this bar, the grid is composed of a series of rows and columns. Each cell in this grid is either black or white. The pattern of black and white cells is highly structured, with black cells appearing in specific columns and rows, creating a complex, repeating-like pattern. The overall layout suggests a technical or scientific representation, possibly related to data analysis or a specific type of coding.

[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

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a.

[REDACTED]

b.

[REDACTED]

c.

[REDACTED]

**END CONFIDENTIAL \*\*\***

## II.D.1 PUBLIC

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EarthLink employs a wide range of strategies to win new customers and retain current customers for *Dedicated Services*. EarthLink generally targets new customers through direct sales and advertising across various media, and it strives to retain current customers by building long term relationships and providing a customer experience that is superior that offered by its competitors.

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**END CONFIDENTIAL\*\*\***

## II.F.8 CONFIDENTIAL

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EarthLink purchases *Dedicated Services* under several *ILEC Tariff Plans*. The terms and conditions of these plans place significant constraints upon EarthLink's ability to purchase services and optimize circuits as outlined in (a) through (e) in the question above. Some of the most onerous terms and conditions of these *Tariff Plans* are provisions that require EarthLink to make large *Prior Purchase-Based Commitments*, which are often enforced by excessive shortfall penalties.

For example, EarthLink purchases *Dedicated Services* under the Verizon CDP (Commitment Discount Plan) in legacy Bell Atlantic and NYNEX territories.<sup>1</sup> This *Tariff Plan* requires that the buyer commit to maintaining 90% of its *DS1* and *DS3* purchase volumes in service with Verizon in order to obtain discounts on Verizon's extremely high *One Month Only Rates* and *Non-Rate Benefits*, such as waivers of certain nonrecurring charges and circuit portability.<sup>2</sup> If the buyer drops below this commitment level, or exceeds the commitment level by more than 30%, Verizon imposes unreasonably high penalties.

Specifically, in the event the buyer is not able to maintain its committed volume, Verizon nonetheless requires the buyer to pay for this volume in full. Such penalties accrue as pure profit for Verizon because Verizon does not incur any costs for circuits *that are never provisioned*. The Verizon CDP circuit "true up" (comparison of actual in service quantities to the minimum and maximum commitment) is done every six months and the shortfall penalty is calculated as follows:

*"If the CDP Customer fails to maintain its Minimum Commitment for a service type or combined service type over the preceding six (6) months, the CDP Customer shall be assessed an amount equal to the difference between (1) the total dollar amount associated with that service type or combined service type over the preceding six (6) months and (2) the total dollar amount associated with that service type or combined service type which would have been applied over the preceding six (6) months had the Minimum Commitment been satisfied."*<sup>3</sup>

In addition, if the buyer exceeds the minimum commitment by more than 30%, then the buyer is forced to increase the minimum commitment or be assessed an "adjustment" penalty. This "adjustment," in effect, retroactively increases the buyer's rates for all circuits purchased in excess of the 30% threshold to Verizon's full *One Month Only Rates*:

*"If the CDP Customer has satisfied its Minimum Commitment for the preceding six (6) months but exceeded its maximum service level, the Telephone Company will apply an adjustment in*

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<sup>1</sup> See Verizon Tariff FCC No. 1, § 25.1; Verizon Tariff FCC No. 11, § 25.1.

<sup>2</sup> Verizon Tariff FCC No. 1, § 25.1.3(A)(5); Verizon Tariff FCC No. 11, § 25.1.3(A)(5).

<sup>3</sup> Verizon Tariff FCC No. 1, § 25.1.7(B); Verizon Tariff FCC No. 11, § 25.1.7(B).

*order to true-up the discount percentages or TPP rates that were applied in excess of that allowed by the maximum service level. The true-up will result in an adjustment (charge up) of the discounted excess amount back to standard, non-discounted rates, unless the CDP Customer elects to increase its Minimum Commitment upward to at least seventy-five percent (75%) for DDS and/or Voice Grade services and ninety percent (90%) for all other service types of the total number of DS0 equivalent Channel Terminations for the service type or combined service type involved at the time the true-up was performed.”<sup>4</sup>*

**\*\*\*BEGIN CONFIDENTIAL**



**END CONFIDENTIAL \*\*\*** Moreover, the overage penalties in the CDP and other *Tariff Plans* incentivize EarthLink to continuously increase its commitment levels, exacerbating and prolonging these harmful effects.

Terms and conditions like these are common among *ILEC Tariff Plans*, and challenging them in a comprehensive manner would require filing countless complaints regarding different *Term Commitment* provisions, *Volume Commitment* provisions, rates and rate zones, penalties, early termination fees, and myriad other variables across *ILEC Tariffs*. Thus, EarthLink has focused its resources on advocacy in the special access rulemaking proceeding rather than on challenges to particular *ILEC Tariff Plans*. Commission action in the rulemaking proceeding is the more appropriate means for addressing such systemic problems.

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<sup>4</sup> Verizon Tariff FCC No. 1, § 25.1.7(D); Verizon Tariff FCC No. 11, § 25.1.7(D).

**IL.F.10 PUBLIC**

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EarthLink has purchased circuits pursuant to a *Tariff* solely for the purpose of attempting to meet the *Prior Purchase-Based Commitments* in *ILEC Tariff Plans* and thereby avoid shortfall penalties.

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**END HIGHLY CONFIDENTIAL \*\*\***

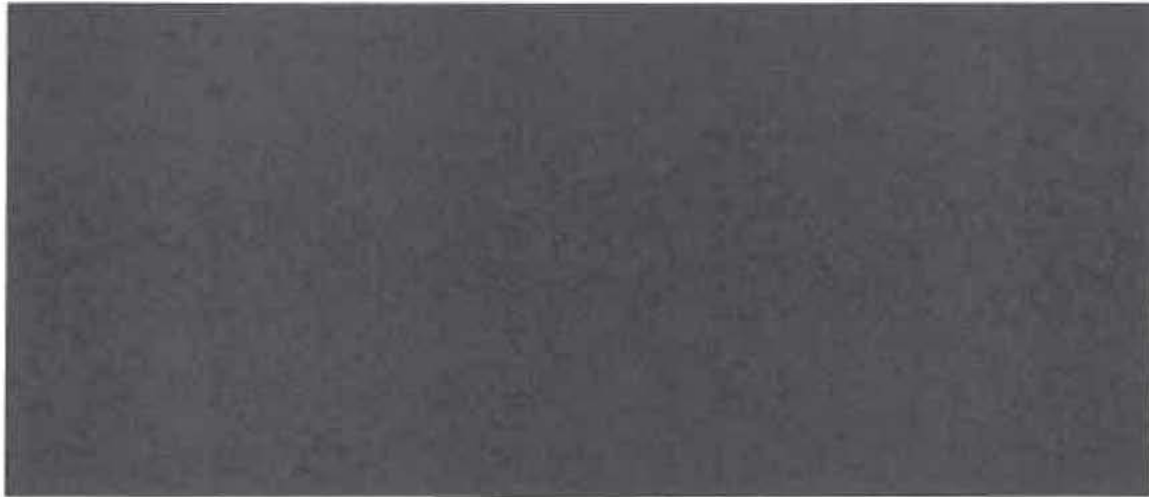


**II.F.11 PUBLIC**

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See Table below.

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